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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/652,317

09/02/2003

Larry Forsgren

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

HOFFMAN, BRANDON S

ART UNIT

PAPER NUMBER

2136

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/652,317	<b>Applicant(s)</b> FORSGREN, LARRY	
	<b>Examiner</b> BRANDON S. HOFFMAN	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1-13 are pending in this office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al. (U.S. Patent Pub. No. 2006/0050880).

Regarding claims 1 and 12, Taylor et al. teaches a method/apparatus of encoding digital representations of works comprising the following steps:

- Providing a digital representation of a work (fig. 10), and
- Removing pieces of information from said digital representation in a predetermined pattern (fig. 10, step S2 and paragraph 0065).

Regarding claim 2, Taylor et al. teaches wherein said pieces of information comprise digital samples (paragraph 0055).

Regarding claim 3, Taylor et al. teaches wherein said predetermined pattern is repeated (fig. 10, step S10).

Regarding claim 4, Taylor et al. teaches wherein said work is a digital representation of any of the following; audio information, image information, and text information (paragraph 0010).

Regarding claim 5, Taylor et al. teaches comprising the additional step of inserting padding information after the step of removing pieces of information (paragraph 0067).

Regarding claim 6, Taylor et al. teaches comprising the steps of:

- Ordering said work by a customer; Identification by said customer; Retrieving a true original digital representation of said work (fig. 10);
- Making a customer original digital representation of said work which is identical to said true original digital representation (fig. 10);
- Removing pieces of information from said customer original digital representation in a predetermined pattern (fig. 10, step S2-S6);
- Providing said customer with said customer original digital representation (fig. 10, step S12).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (U.S. Patent Pub. No. 2006/0050880) in view of Sharma et al. (U.S. Patent No. 6,385,329).

Regarding claims 7 and 13, Taylor et al. teaches a method/apparatus of decoding digital representations of works comprising the following steps:

- Identifying a first piece of information missing in said customer original digital representation as compared with said true original digital representation (fig. 10, step S2),
- Recording an identification of said first piece of information missing (fig. 10, step S4);
- Identifying and recording second and further pieces of information missing in said customer original digital representation by repeating the identifying and recording steps above (fig. 10, step S10).

Taylor et al. does not teach synchronizing a customer original digital representation of a work with a true original digital representation of a work.

Sharma et al. teaches synchronizing a customer original digital representation of a work with a true original digital representation of a work (col. 27, lines 6-19).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine synchronizing a customer original with a true original, as taught by Sharma et al., with the method/apparatus of Taylor et al. It would have been obvious for such modifications because synchronizing finds correlation values to help determine any differences between the original and the supplied data.

Regarding claim 8, Taylor et al. as modified by Sharma et al. teaches comprising the additional step of making a pre-analysis of said customer original digital representation for identity before the step of synchronizing (see paragraph 0002 of Taylor et al.).

Regarding claim 9, Taylor et al. as modified by Sharma et al. teaches comprising the additional step of envelope reconstruction before the step of identifying a first piece of information missing in order to restore the customer original digital representation caused by prior compression (see paragraph 0110 of Taylor et al.).

Regarding claim 10, Taylor et al. as modified by Sharma et al. teaches comprising the additional step of enhancing the transparency of a distorted customer

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original with the true original digital representation of a work (see col. 4, lines 43-61 of Sharma et al.).

Regarding claim 11, Taylor et al. as modified by Sharma et al. teaches comprising the additional step of verifying the encoding by means of a check sum (see col. 14, lines 51-59 of Sharma et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/  
Primary Examiner, Art Unit 2136